

ARTICLE XI 42 Pa.C.S. 8332.1 (2001)

Adopted 2/26/02

8332.1 Board of Directors, Manager, Coach, Umpire or Referee and nonprofit association
negligence standard

42 Pa. C.S. 8332.1
PENNSYLVANIA STATUTES

** THIS DOCUMENT IS CURRENT THROUGH 2001 P.A. ACT 77, ENACTED 6/26/2001 **

PENNSYLVANIA CONSOLIDATED STATUTES
TITLE 42. JUDICIARY AND JUDICIAL PROCEDURE
PART VII. CIVIL ACTIONS AND PROCEEDINGS
CHAPTER 83. PARTICULAR RIGHTS AND IMMUNITIES
SUBCHAPTER C. IMMUNITIES GENERALLY

(A) GENERAL RULE - Except as provided otherwise in this section, no person who, without compensation and as a volunteer renders services as a manager, coach, instructor, umpire or referee in a sports program of a nonprofit association, and no nonprofit association, or any offer or employee thereof, conducting or sponsoring a sports program, shall be liable to any person for any civil damages as a result of any acts or omissions in rendering such services or in conducting or sponsoring such sports program, unless the conduct of such person or nonprofit association falls substantially below standards generally practiced and accepting in like circumstances by similar persons or similar nonprofit associations rendering such services or conducting or sponsoring such sports programs, and unless it is shown that such person or nonprofit association did an act or omitted the doing of an act which such person or nonprofit association was under a recognized duty to another to do, knowing or having reason to know that such act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of such person or nonprofit association fell below ordinary standards of care.

(B) EXCEPTIONS

(1) Nothing in this section shall be construed as affecting or modifying the liability of such person or nonprofit association for any of the following:

- (a) Acts or omissions relating to the transportation of participants in a sports program or others to or from a game, event or practice
- (b) Act or omissions relating to the care and maintenance of real estate unrelated to the practice or playing areas which such persons or nonprofit associations own, possess or control.

(2) Nothing in this section shall be construed as affecting or modifying any existing legal basis for determining the liability, or any defense thereto, of any person not covered by the standard of negligence established by this section.

ARTICLE XII

15 Pa. C.S. 5713 (2001)

Adopted 2/26/02

5713. Personal liability of Directors and Board members 15 Pa. C.S. 5713
PENNSYLVANIA STATUTES

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PENNSYLVANIA CONSOLIDATED STATUTES TITEL 15. COPORATIONS AND
UNINCORPORATED ASSOCIATIONS PART II. CORPORATIONS SUBPART C.
NONPROFIT CORPORATIONS
ARTICLE B. DOMESTIC NONPROFIT CORPORATIONS GENERALLY CHAPTER 57.
OFFICERS, DIRECTORS AND MEMBERS SUBCHAPTER B. FIDUCIARY DUTY

(A) GENERAL RULE – As duly adopted by the members, a director shall not be personally liable as such, for monetary damages for any action taken unless:

- (1) The Director has breached or failed to perform the duties of his office under this subchapter; and
- (2) The breach or failure to perform constitutes self-dealing, willful misconduct or recklessness.

(B) EXCEPTION – Subsection (1) shall not apply to:

- (1) The responsibility or liability of a director pursuant to any criminal statute; or
- (2) The liability of a director for the payment of taxes pursuant to Federal, State or local law.

